

AMENDED IN ASSEMBLY APRIL 20, 2010

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2092

Introduced by Assembly Member Huffman

February 18, 2010

An act to add Sections 85215 and 85216 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2092, as amended, Huffman. Delta Stewardship Council: planning and administration: ~~fee: long-term financing plan.~~

Existing law, the Sacramento-San Joaquin Delta Reform Act of 2009, establishes the Delta Stewardship Council as an independent agency of the state. The council is required, on or before January 1, 2012, to develop, adopt, and commence implementation of a comprehensive management plan for the Sacramento-San Joaquin Delta (Delta Plan), meeting specified requirements.

~~This bill would require the council to adopt a fee on water supply contractors of the State Water Project and the federal Central Valley Project to fund a portion of specified costs of the council. The fee would be based on a reasonable estimate of the benefits received by the contractors of the State Water Project and the federal Central Valley Project from the activities associated with those costs. The State Board of Equalization would begin collecting the fee on July 1, 2011, and would be required to deposit the proceeds into the Delta Stewardship Council Planning Fund, which the bill would create. Moneys in the fund would be available to fund specified costs of the council, and the~~

~~costs of the State Board of Equalization incurred in collecting the fee, upon appropriation by the Legislature. The council would be required to ensure that the fee does not result in the creation of more than \$_____ in revenue, and the fee could be imposed only until July 1, 2014.~~

~~The~~

This bill would require the council to—also develop a long term financing plan to pay for the costs of implementing the Delta Plan and for the ongoing administration of the council by January 1, 2013. The bill would require the long term financing plan to include fee proposals to pay for private benefits associated with implementation of the Delta Plan. The bill would prohibit the council from adopting a fee for these purposes unless authorized by statute. The bill would require the council, before adopting and collecting fees or long term revenue sources, to seek to obtain early funding contributions from entities that may benefit from implementation of the Delta Plan and to track those contributions to provide credit against future fee or funding requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 85215 is added to the Water Code, to~~
- 2 ~~read:~~
- 3 ~~85215. (a) By March 31, 2011, the council shall adopt a fee~~
- 4 ~~on water supply contractors of the State Water Project and the~~
- 5 ~~federal Central Valley Project to fund a portion of all of the~~
- 6 ~~following costs incurred from July 1, 2010, until July 1, 2013:~~
- 7 ~~(1) The cost to develop and adopt the Delta Plan.~~
- 8 ~~(2) The cost to develop and adopt the long-term financing plan~~
- 9 ~~required by Section 85216.~~
- 10 ~~(3) The annual administrative costs of the council, not including~~
- 11 ~~the costs of grants or research projects.~~
- 12 ~~(b) The fee adopted pursuant to subdivision (a) shall be based~~
- 13 ~~on a reasonable estimate of the benefits received by the contractors~~
- 14 ~~of the State Water Project and the federal Central Valley Project~~
- 15 ~~from the activities associated with the costs described in paragraphs~~
- 16 ~~(1) to (3), inclusive, of subdivision (a).~~
- 17 ~~(c) The council shall ensure that the fee adopted pursuant to~~
- 18 ~~subdivision (a) does not result in the creation of more than _____~~

dollars (\$) in revenue, and the fee shall be imposed only until July 1, 2014.

~~(d) The council shall develop and adopt the fee through an open and transparent process, that includes no fewer than two public hearings.~~

~~(e) The State Board of Equalization shall begin collecting the fee adopted pursuant to subdivision (a) on July 1, 2011. The proceeds shall be deposited by the State Board of Equalization into the Delta Stewardship Council Planning Fund, which is hereby created in the State Treasury. Moneys in the fund shall be available to fund the costs described in paragraphs (1) to (3), inclusive, of subdivision (a), and the costs of the State Board of Equalization incurred in collecting the fee, upon appropriation by the Legislature.~~

~~SEC. 2.~~

~~SECTION 1.~~ Section ~~85216~~ 85215 is added to the Water Code, to read:

~~85216.~~

85215. (a) By January 1, 2013, the council shall develop a long term financing plan to pay for the costs of implementing the Delta Plan *and for the ongoing administration of the council*. The financing plan shall identify and evaluate the benefits to all groups resulting from the implementation of the Delta Plan, including, but not limited to, *potential benefits* to all of the following:

(1) The public.

(2) Urban and agricultural water users diverting water in the Delta.

(3) Urban and agricultural water users diverting water in the Bay-Delta tributaries and watershed.

(4) Delta landowners, including, but not limited to, reclamation districts and public and private landowners, and building and transportation interests.

(5) Delta recreational users.

~~(6) Wastewater dischargers.~~

~~(6) Dischargers into the Delta or its tributaries, including wastewater dischargers.~~

(7) Commercial fishing.

~~(8) Other interests with infrastructure or operations in the Delta.~~

(b) The financing plan shall allocate program costs based on the benefits identified in subdivision (a). The plan shall include

1 fee proposals to create revenues to pay for the private benefits
2 associated with implementation of the Delta Plan. ~~The council~~
3 ~~shall not adopt a fee pursuant to this section unless a statute is~~
4 ~~enacted that authorizes the council to adopt a fee pursuant to this~~
5 ~~section.~~

6 ~~(e) The council shall report to the Legislature regarding the plan~~
7 ~~adopted pursuant to this section after adoption of the plan.~~

8 *(c) Upon completion, the council shall present the plan to the*
9 *Legislature for approval. The council shall not adopt a fee pursuant*
10 *to this section unless a statute is enacted that authorizes the council*
11 *to adopt a fee pursuant to this section.*

12 SEC. 2. Section 85216 is added to the Water Code, to read:

13 85216. *(a) Prior to the establishment or collection of a fee or*
14 *a long term revenue source pursuant to Section 85215, the council*
15 *shall seek to obtain early funding contributions from groups that*
16 *may benefit from the implementation of the Delta Plan, for*
17 *purposes of funding the council's planning and administrative*
18 *activities.*

19 *(b) The council shall track early funding contributions and shall*
20 *provide credit for those contributions against future fee or funding*
21 *requirements.*